



DEPARTMENT OF AGRICULTURE  
MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

FISCAL YEAR 20\_\_\_\_  
APPLICATION TO SELL AN EASEMENT

\_\_\_\_\_  
MALPF File Number (Provided by MALPF)

**\*\*\*PLEASE READ ATTACHED INSTRUCTIONS BEFORE COMPLETING APPLICATION\*\*\*  
THIS APPLICATION CANNOT BE CHANGED AFTER SUBMITTAL TO THE FOUNDATION.  
PLEASE TYPE RESPONSES**

Did you apply to sell an easement in the previous application cycle? Yes / No

**PART A**

I/We \_\_\_\_\_, landowner(s) of the property referenced herein, located in \_\_\_\_\_ County, Maryland, apply to the Maryland Agricultural Land Preservation Foundation (MALPF) to sell an agricultural land preservation easement, pursuant to Agriculture Article, Section 2-510, Annotated Code of Maryland.

This application to sell an easement and any subsequent offer to buy an easement, including any Deed of Easement to be recorded on this property, will cover the entire contiguous acreage referenced in the application. Acreage is not permitted to be withheld, unless it is for the permitted lot exclusions specified under Agriculture Article, Section 2-513, Annotated Code of Maryland, or the acreage to be withheld is approved by the Foundation (see instructions A.1.).

For purposes of valuation, I/we affirm that the acreage of the total property, also referred to as the parent tract\*, was determined by one of the following (a copy of which is attached to this application) (see instructions A.1.):

- ☐ property deed(s) ☐ survey  
☐ tax assessment records ☐ other (identify): \_\_\_\_\_

- a. The total acreage of property ("parent tract"\*) is: \_\_\_\_\_
- b. The number of Pre-Existing Dwelling(s) is (are): \_\_\_\_\_  
(See instructions A.2.)
- c. The Acreage to be Withheld from the easement is: \_\_\_\_\_  
(Size, configuration, and location must be approved by the Foundation. Show withheld area on map – see instructions A.3.)
- d. Designated permitted envelope acreage (unpaid): \_\_\_\_\_  
(Size, configuration, usage, and location must be approved by the Foundation as a designated envelope that will be unpaid, but included within boundary of easement. Show envelope area on map – see instructions A.4.)
- e. Existing restrictions/encumbrances acreage (unpaid): \_\_\_\_\_  
(Foundation will not pay for acreage already encumbered, such as forest conservation easements, CREP easements, etc. Show encumbered area on map – see instructions A.5.)
- f. The Easement Payment Acreage is (a. minus b minus c minus d minus e): \_\_\_\_\_
- g. Total acres to be encumbered by easement is (a. minus c.): \_\_\_\_\_

I am/We are willing to sell an easement on my/our land for \$ \_\_\_\_\_ per acre.  
I/We understand that the Foundation makes offers based on the lower of: (1) the asking price, (2) the calculated easement value, (3) a cap set by the County, or the statutory State cap of 75% of the recommended appraised value (see instructions A.4.).

**\*Definition of Parent Tract:** The term Parent tract, as used by MALPF, is the total property described in this application. It refers to that entire contiguous acreage that is under common ownership. This may be a single tax map parcel or may include multiple tax map parcels, but should include the entire acreage on any parcel, even if only a portion of that parcel is being considered for easement sale.

- It is the total area Before any withheld acreage
- It is the total area Before any excluded acreage (any area to be encumbered by the easement that the landowner will not be paid for)
- It does not include any tax map parcel which may be contiguous and under common ownership, but for which no portion is being considered for easement sale under this application.

## PART B

**(To be completed by the County Program Administrator or other County employee as necessary.)**

**Part B provides instructions directly to the assigned appraisers. Completeness and accuracy is essential for the appraiser(s) to ascertain the farm's maximum market value as of the date of valuation. All data should be as precise as possible. Do not round figures and please cite sources when possible.**

### SECTION # 1: PLANNING AND ZONING INFORMATION

(A) **ZONING** (See Instructions B.1.A.)

Current Zoning of Property: \_\_\_\_\_

Does the property lie within the boundaries of a planned 10-year water and sewer service district?

☐ YES

☐ NO

If yes, please describe: \_\_\_\_\_

Is the encumbrance of this property by an agricultural land preservation easement consistent with county plans? (Master Plan, Comprehensive Land-Use Plan, Growth Management Plan, etc.)

☐ YES

☐ NO

(B) Is there withheld acreage?

☐ YES

☐ NO

What is the reason for the withheld acreage? \_\_\_\_\_

(C) Is the property adjacent to other protected lands (fee or easement)?

☐ YES

☐ NO

If yes, what is the approximate size of protected block of land (without subject property acres included)? \_\_\_\_\_

(D) For Certified Counties, is the property located within a Priority Preservation Area?

☐ YES

☐ NO

(E) Is/are there a county-designated tenant house located on the property?

☐ YES

☐ NO

If yes, the attached certification documentation must be completed for EACH proposed tenant house and included as part of the application submission. (See Instructions B.1.E.)

### SECTION #2: DEVELOPMENT RIGHTS

**NOTE:** The development rights information provided in this application will be provided to the appraisers to determine the fair market value of the **property** and therefore the MALPF easement value. If this section is not completed, the application IS NOT complete and will be returned.

The term "development right(s)" as used by MALPF is the maximum number of residential structures legally allowed to be placed on the parent tract as of the date of the application.

"Legally allowed" takes into consideration such limiting factors such as: zoning, septic law, Chesapeake Bay Critical Areas regulations, existing easements, etc. It does not include any additional structures allowed by virtue of a specific owner (such as family lots), nor does it include any allotted transferrable development rights ("TDRs").

As used herein, "development rights" does not address TDRs. TDR's should be considered as an addition if a current market exists. See application **SECTION #3** below regarding TDRs.

**Lot Selection (see instructions B. Section 2.):**

**When considering lot selection, please take into account that retaining a dwelling right with the property can benefit the long term viability of future farming operations.**

In the Deed of Easement, I/we hereby elect to (check one):

- ☐ reserve family lots, subject to density restrictions,
- ☐ reserve one (1) unrestricted lot that is either:
- ☐ subdividable, or
- ☐ a non-subdividable building envelope
- ☐ waive all rights to lots

1. Has the County adopted a Tier Map under The Sustainable Growth & Agricultural Preservation Act of 2012 (Senate Bill 236), also known as the septic law? ☐ Yes ☐ No
2. If a Tier Map has been adopted, in which Tier is the subject property located? Tier: \_\_\_\_\_
3. What is the maximum number of residential lots permitted in a minor subdivision? \_\_\_\_\_

**Any discrepancies between this section and page one of this application should be reconciled or explained.**

	Permitted On-Site Development Rights	Lot Rights	Acres
(a)	Total development rights/acres associated with the parent tract [This takes into consideration underlying zoning, the restrictions of the septic law, and any other known restrictions (Chesapeake Bay Critical Areas regulations, forest mitigation easements (etc.).)]		
(b)	Total development rights/acres associated with pre-existing dwelling (within easement area)		
(c)	Total development rights/acres associated with withheld acres (includes any dwelling(s) in withheld acres)		
(d)	Total development rights associated with designated permitted use envelope area/s.		N/A
(e)	Unrestricted lot option chosen:  <input type="checkbox"/> Yes (deduct 1 development right)  <input type="checkbox"/> No (deduct 0 development rights)		N/A
	Total development rights to be extinguished / acres to be encumbered by MALPF easement acquisition (a - b - c - d - e)		

**SECTION #3: TRANSFERABLE DEVELOPMENT RIGHTS PROGRAMS** (See Instructions B.3.)

- A. Does the County have a TDR program? Yes ☐ No ☐
- B. Is the subject property eligible to participate in the TDR program? Yes ☐ No ☐

- C. How many residual TDRs are associated with the subject property as of the date of the application submission? \_\_\_\_\_

## PART C

1. **LANDOWNER INFORMATION** - necessary for all landowners of record. Attach a separate sheet, if needed. Also, enter primary contact information. The primary contact person will receive all from correspondence from and is the individual to be contacted by the Foundation regarding the easement application

### MAILING ADDRESS of Owner/Trust/Business Entity:

### PRIMARY CONTACT PERSON:

Name	
Address	
City, State, Zip Code	
Phone #: (1 <sup>st</sup> )	(2 <sup>nd</sup> )
e-mail	

Name	
Mailing Address	
City, State, Zip Code	
Phone #: (1 <sup>st</sup> )	(2 <sup>nd</sup> )
e-mail	

2. **ENTITY INFORMATION:** Please list all members/partners/trustees/shareholders of the ownership entity, if applicable (see instructions C.2.). (Attach a separate sheet if necessary.)



3. **LOCATION OF PROPERTY:**

**PLEASE NOTE: FOR PROPERTIES CONSISTING OF MORE THAN ONE TAX PARCEL, IF THE APPLICATION TO SELL AN EASEMENT TO MALPF IS SUCCESSFUL, THE PARCELS MUST REMAIN UNDER IDENTICAL COMMON OWNERSHIP, AND MAY NOT BE CONVEYED OFF FROM EACH OTHER UNLESS SPECIFICALLY APPROVED BY THE MALPF BOARD.**

Tax Map \_\_\_\_\_ Grid \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax ID# \_\_\_\_\_  
(List all if more than one)

Tax Map \_\_\_\_\_ Grid \_\_\_\_\_ Parcel # \_\_\_\_\_

Tax ID# \_\_\_\_\_  
(List all if more than one)

Tax Map: \_\_\_\_\_ Grid: \_\_\_\_\_ Parcel #: \_\_\_\_\_

Tax ID#: \_\_\_\_\_  
(List all if more than one)

Property Address: (if different from mailing address)

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4. **DEED REFERENCE(S)** (see Instructions C.4.):

\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
liber folio liber folio liber folio

**If acreage reflected in deed is different from acreage of proposed easement, please explain:**

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5. **EXISTING PROPERTY RESTRICTION(S)** (see Instructions C.5.)

Please state whether there are any existing restrictive easements or covenants (such as Forest Conservation Easements, Open Space Easements, etc.) on your property and, if so, please explain:

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6. **OTHER THIRD PARTY INTERESTS** (see Instructions C.6.):

- a. Does anyone own or lease surface or subsurface rights on this property (including oil/gas/mineral, whether or not there has been any activity on the lease)?

☐ YES

☐ NO

If yes, please explain:

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- b. Does anyone hold a lease, right of first refusal, or option to purchase for this property?

☐ YES

☐ NO

If yes, please explain:

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- c. Has any mining been done on the property?

☐ YES

☐ NO

If yes, please explain:

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- d. Are there any other third party interests in this property? (For example, life estate, right-of-ways, renewable energy operations, telecommunication company leases, ground leases in excess of 20 years, etc.)

☐ YES

☐ NO

If yes, please explain:

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If you answered yes to any of the questions a. through d., please provide name and contact information for the third party interest; signatures of such parties will be required on the Option Contract and Deed of Easement if the Foundation extends you an easement offer.

\_\_\_\_\_  
Name of Other Third Party Interest

\_\_\_\_\_  
Name of Other Third Party Interest

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone #

\_\_\_\_\_  
Phone #

\_\_\_\_\_  
Nature of Third Party Interest

\_\_\_\_\_  
Nature of Third Party Interest

7. **MORTGAGES OR LIENS:**

Is there a mortgage or other lien on this property, including equity line of credit?

☐ YES    ☐ NO

If yes, signatures and addresses of such holders will be required on the Option Contract and Deed of Easement, if the Foundation extends an easement offer to you.

\_\_\_\_\_  
Name of Mortgage or Lien Holder

\_\_\_\_\_  
Name of Mortgage or Lien Holder

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone #

\_\_\_\_\_  
Phone #

8. **LAND USE (round to whole number):**

Tillable Cropland: \_\_\_\_\_ acres

Pasture: \_\_\_\_\_ acres

Woodland: \_\_\_\_\_ acres

Wetland(s): \_\_\_\_\_ acres

Structure(s): \_\_\_\_\_ acres  
(Farm buildings and dwellings)

Pond/lake: \_\_\_\_\_ acres

Other: \_\_\_\_\_ acres  
(Describe other land use)

**TOTAL ACRES:** \_\_\_\_\_ Acres

Acres must equal Part A: f, on Page 1 – rounded to a whole number)

9. **PROPERTY USE:**

	YES	NO	DON'T KNOW
a. Has the property been used for a purpose other than agricultural operations and residential use (for example, landfill, commercial cell tower, commercial energy production, sand and gravel extraction, railroad right-of-way)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so indicate use/explain.			
b. Have any chemicals been used on the property beyond what could reasonably be expected in normal and customary agricultural practices?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so indicate type of chemicals.			
c. Has the property ever contained areas used to dispose of waste other than normal and customary household and agricultural waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, indicate the kinds of material disposed and method of disposal.			
d. Has there ever been a chemical spill or leak on the property to your knowledge?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, indicate what was spilled, where it was spilled, approximately how much was spilled, and what actions were taken in response.			
e. Have any previous environmental assessments/tests/samplings/impact statements been conducted for the property, to your knowledge?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, attach copies.			
f. Have any government officials ever investigated, cited or been involved with any violations of any environmental law at this property to your knowledge?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, explain.			
g. Are there/have there been any disputes, including claims of adverse possession, or written or oral agreements with adjacent landowners regarding boundary lines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, explain and provide detail on map			

**IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, PLEASE ATTACH A LETTER OF EXPLANATION ALONG WITH ANY SUPPORTING DETAILS TO THE APPLICATION.**

10. **STRUCTURES** List and briefly describe any/all structures currently existing on the property including agricultural, residential and non-agriculturally-related structures existing at the time of application. On a current aerial map, locate and label by corresponding letter (a, b, c, d, etc.) all structures listed here. A current aerial map may be obtained through the county program administrator. Use separate page if necessary.

<u>Structure</u>	<u>Approximate Dimensions or Capacity</u>
a.	
b.	
c.	
d.	
e.	
f.	
g.	
h.	
i.	
j.	
k.	

11. **FARM OPERATION:**

Describe the farming operation(s): \_\_\_\_\_

Owner operated: ☐ Leased: ☐ Both: ☐



12. **QUALIFYING SOILS:** (To be completed by the County Program Administrator, see Instructions C.12.)  
Total acreage/percentage may not exceed 100% (may not count soils in both Class and Group categories.)

	<u>CLASS I</u>	<u>CLASS II</u>	<u>CLASS III</u>	<u>GROUP 1</u>	<u>GROUP 2</u>	<u>= TOTAL</u>
ACRES:	_____	_____	_____	_____	_____	_____
PERCENT OF TOTAL:	_____	_____	_____	_____	_____	_____

Other information: \_\_\_\_\_  
(Please indicate if the wetland acres were not counted when calculating the percent of total figure.)

13. **CERTIFICATION OF SOIL CONSERVATION & WATER QUALITY PLAN** (see Instructions C.13.):

Property Owners: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Property Address: \_\_\_\_\_

Tax Map: \_\_\_\_\_ Parcel: \_\_\_\_\_ Conservation Tract No: \_\_\_\_\_ Farm No: \_\_\_\_\_

The \_\_\_\_\_ County Soil Conservation District hereby certifies that the landowner(s) listed on the front of this Application to Sell an Easement has had a complete soil conservation and water quality plan prepared for the subject property.

\_\_\_\_\_  
Signature and Title of Soil Conservation District Official

\_\_\_\_\_  
Date

14. IF PROPERTY HAS 25 ACRES OR MORE OF CONTIGUOUS WOODLAND, A FOREST STEWARDSHIP PLAN IS REQUIRED

- a) Is a Forest Stewardship Plan required: ☐ Yes ☐ No
- b) If yes, is it in effect ☐ Yes ☐ No  
(If yes, submit evidence of the Plan)

15. **REQUIRED DOCUMENTATION** to be included with this Application to Sell an Easement:

- All deeds, surveys, and/or plats that describe the property.  
  
Md. Ann. Code Agriculture Article, § 2-510(b)(3) requires that an Application to Sell An Easement be accompanied by a complete description of the property to be encumbered by an Easement. Failure to submit a complete description with the Application to Sell an Easement may result in rejection of the Application.
- Assessments and Taxation Data sheet from website (County administrator can provide)
- A tax map outlining property boundaries, and clearly indicating withheld acreage, if any, including legal and practical access to the withheld acreage.
- Aerial map with identified structures on the property located, as instructed in Part B #10.
- Forest Stewardship Plan, if one is required and completed
- Annual Implementation Review Sheet for the Nutrient Management Plan, if one is available.

## PART D

**Note: All landowners of record must sign this application. Attach a separate sheet if necessary.**

I/We confirm my/our understanding that I/we may not change the lot selection unless I/we withdraw my/our application and apply in a subsequent cycle.

I/We acknowledge that the land on which I am/we are applying to sell an easement shall not be subdivided (including lot releases), conveyed to others, altered in its configuration, or encumbered by a restriction during the application process without prior written approval of the Foundation. Failure to comply with this restriction may result in withdrawal of the application.

I/We confirm my/our understanding that if the property contains at least 25 acres of contiguous woodland, I/we must submit evidence of a complete Forest Stewardship Plan performed by a forester certified in the State of Maryland prior to settlement and that delay in providing such evidence to the Foundation will delay settlement of the easement. I/we also confirm our understanding that the plan must include methods of management and a schedule of implementation. I/we also understand that the plan must have been created and/or updated for sufficiency within the last ten years, and I/we confirm our understanding that the Forest Stewardship Plan must be followed according to its schedule for implementation. If an easement is purchased on this property, I/we confirm our understanding of the responsibility for implementing the plan as outlined according to the schedule of implementation.

I/We confirm my/our understanding that a current Nutrient Management Plan must be implemented for the property prior to the sale of the MALPF easement on the property under the following circumstances: (i) an easement offer is extended and accepted, and (ii) if the property is required to have a Nutrient Management Plan under Md. Code Ann., Agric. Section 8-801 *et seq.* (associated regulations are located in COMAR 15.20.07-08).

I/We confirm my/our understanding that the Department of General Services shall be reviewing title to the property and may request additional documentation, require certain actions by me/us to clear title to the property, or may require me/us to provide a modern boundary survey of the property, at my/our expense, prior to settlement and that delay in providing such evidence to the Foundation will delay settlement of the easement. In addition, if there are multiple tax parcels being placed under one easement, then we may be required to combine those tax parcels into one account and parcel number.

I/We give MALPF permission to conduct appraisals on my/our property upon reasonable notification. I am/We are aware that any approval to obtain an option contract for the purchase of an agricultural land preservation easement made by the Foundation is subject to Board of Public Works approval and available funds.

I/We understand that there is no guarantee that an offer will be made or accepted for the purchase of an agricultural land preservation easement on this property.

I/We assert that all representation and information regarding the property are, to the best of my/our knowledge, accurate and complete. Additionally, I/we assert that there is no known reason (e.g. environmental or otherwise) why the property cannot be productively farmed.

In addition, I/we are aware that both Parts A and B of this Application to Sell an Easement must be completed and submitted to the County's Program Administrator, along with all necessary documentation. I/we understand that an incomplete application will be returned.

Landowner Signature \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
 Landowner Signature Date

Print Full Name

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Print Full Name

Landowner Signature \_\_\_\_\_ Date \_\_\_\_\_

Landowner Signature \_\_\_\_\_ Date \_\_\_\_\_

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Print Full Name \_\_\_\_\_

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Print Full Name

Landowner Signature \_\_\_\_\_ Date \_\_\_\_\_

Landowner Signature \_\_\_\_\_ Date \_\_\_\_\_

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Print Full Name

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Print Full Name

I hereby affirm, to the best of my knowledge, information and belief, that this application to sell an easement is complete and accurate.

County Program Administrator

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Date \_\_\_\_\_

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Print Name \_\_\_\_\_

The Program Administrator must review the application and provide the information necessary for Part B., Sections 1, 2, 3, and Part C. #12. If the Program Administrator does not complete their section, or sign off on the application, MALPF staff will return the application as incomplete. If past the July 1<sup>st</sup> deadline, the application will not be included in the current application cycle. You may apply again the next application cycle.